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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,706	05/01/2002	Stefan Kastner	VAW-6	1805

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EXAMINER

COZART, JERMIE E

ART UNIT PAPER NUMBER

3726

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/019,706	Applicant(s) KASTNER, STEFAN	
	Examiner Jermie Cozart	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/4/05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6, 11-14, 16, and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kawase et al. (4,172,923).

Kawase discloses producing an aluminum composite material by cutting at least one cladding layer of a specified thickness suitable for use as a cladding sheet layer from a first ingot made from a first aluminum material, then placing then cladding laver on a side of a second ingot made from a second aluminum material, and rolling the cladding layer and the second ingot, the rolling comprises several roll passes thereby producing the aluminum composite material. The cladding sheet layer has a thickness of 5mm after cutting, and at least one surface of the cladding layer and the second ingot

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are treated prior to rolling by being degreased with trichloroethylene. *See column 5, line 37 – column 6, line 40 for further clarification.*

Kawase discloses producing at least one aluminum cladding layer from a first ingot made from a first aluminum material, the cladding layer for use in an aluminum composite material, the composite material being produced at least partially by (1) placing the cladding layer on a side of a second ingot made from a second aluminum material, and (2) rolling the cladding layer and the second ingot, the rolling comprising several roll passes thereby producing the composite material. The aluminum cladding layer is cut from the first ingot at a specified thickness suitable for use as a cladding sheet for the composite material. *See column 5, line 37 – column 6, line 40 for further clarification.*

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase et al. (4,172,923) in view of Ronan (2,730,792).

Kawase as described in detail above discloses all of the claimed subject matter except for the cutting comprising sawing the cladding layer from the first ingot.

Ronan discloses a metal saw use for cutting metal and consequently cutting through a metal work-piece, in order to prevent damage to the work-piece and provide a straight cut through the work-piece. *See columns 1-3, and figures 1-8 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to cut the cladding layer of Kawase from the first ingot by using a saw, in light of the teachings of Ronan, in order to effectively prevent damage to the ingot, and provide an accurate cut through the ingot.

Response to Arguments

6. Applicant's arguments, see pages 5-8 of the response, filed 1/28/05, with respect to the rejection(s) of claim(s) 6-8, 11, and 14-16 under 35 U.S.C. 103(a) as being unpatentable over Anthony (3,809,155) in view of Junker (1,701,889), and the rejection of claims 9, 10, 12, 13, and 17 under 35 U.S.C. 103(a) as being unpatentable over Anthony/Junker further in view of Nicholson et al. (4,957,821) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kawase et al. (4,172,923) under 35 U.S.C. 102(b) with respect to claims 6, 11-13, and 15-17, and Kawase in view of Ronan (2,730,792) under 35 U.S.C. 103(a) with respect to claims 7-10 and 15.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the attached PTO-892 are cited to show the formation of cladding layers for composites.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-

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4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jermie Cozart
Examiner
Art Unit 3726